

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLARK WALKER,

Plaintiff,

v.

CONTRA COSTA COUNTY, et al.

Defendants.

NO. C03-3723 TEH
NO. C05-2800 TEH

VERDICT FORM

1. Did Plaintiff Walker prove, by a preponderance of the evidence, that his race was a motivating factor in defendant Richter's decision not to promote him to the position of Assistant Fire Chief in 2003?

Answer: YES _____ NO _____

2. Did Plaintiff Walker prove, by a preponderance of the evidence, that his protected activity was a motivating factor in defendant Richter's decision not to promote him to the position of Assistant Fire Chief in 2003?

Answer: YES _____ NO _____

If your answers to questions 1 and 2 are both "no," proceed to question 5. If your answer to either question is "yes," go on to question 3.

1 3. Have defendants proved, by a preponderance of the evidence, that defendant
2 Richter's decision not to promote Plaintiff to the position of Assistant Fire Chief in 2003 was
3 also motivated by a lawful reason?

4 Answer: YES _____ NO _____
5

6 If your answer to question 3 is "no," proceed to question 5. If the answer to question
7 3 is "yes," answer question 4.
8

9 4. Have defendants proved by a preponderance of the evidence that defendant
10 Richter would have made the same decision not to promote Plaintiff Walker for a lawful
11 reason, regardless of his race and/or protected activity?

12 Answer: YES _____ NO _____
13

14 5. Did Plaintiff Walker prove, by a preponderance of the evidence, that his race was
15 a motivating factor in the decisions by Keith Richter and/or Richard Grace to issue a Letter
16 of Reprimand to him in February 2005?

17 Answer:

18 As to Keith Richter: YES _____ NO _____

19 As to Richard Grace: YES _____ NO _____
20

21 6. Did Plaintiff Walker prove, by a preponderance of the evidence, that his
22 protected activity was a motivating factor in the decisions by Keith Richter and/or Richard
23 Grace to issue a Letter of Reprimand to him in February 2005?

24 Answer:

25 As to Keith Richter: YES _____ NO _____

26 As to Richard Grace: YES _____ NO _____
27
28

1 If your answer to both questions 5 and 6 is “no” for both Defendants, proceed to
2 question 9. If your answer to questions 5 and/or 6 is “yes” for either or both Defendants, go
3 on to question 7.

4
5 7. Have Defendants proved, by a preponderance of the evidence, that the decision to
6 issue a Letter of Reprimand to the Plaintiff was also motivated by a lawful reason?

7 Answer:

8 As to Keith Richter: YES _____ NO _____

9 As to Richard Grace: YES _____ NO _____

10
11 If your answer to question 7 is “no” for both Defendants, proceed to question 9. If the
12 answer to question 7 is “yes” as to either or both Defendants, answer question 8.

13
14 8. Have Defendants proved by a preponderance of the evidence that they would
15 have made the same decision to issue a Letter of Reprimand to Plaintiff Walker for a lawful
16 reason, regardless of his race or protected activity?

17 Answer:

18 As to Keith Richter: YES _____ NO _____

19 As to Richard Grace: YES _____ NO _____

20
21 9. Did Plaintiff Walker prove, by a preponderance of the evidence, that he suffered
22 any adverse employment actions by defendant Richter other than the failure to promote or the
23 reprimand, since August of 2002?

24 Answer:

25 Confined Space Rescue YES _____ NO _____

26 Training Center YES _____ NO _____

1 If your answer to both parts of question 9 is "no," proceed to question 13. If your
2 answer to either part of question 9 is "yes," go on to question 10.

3
4 10. Did Plaintiff Walker prove, by a preponderance of the evidence, that his
5 protected activity was a motivating factor in the decisions by defendant Richter to take the
6 adverse action(s) referred to in question 9?

7 Answer:

8 Confined Space Rescue YES _____ NO _____

9 Training Center YES _____ NO _____

10
11 If your answer to both parts of question 10 is "no," proceed to question 13. If your
12 answer to either part of question 10 is "yes," go on to question 11.

13
14 11. Have Defendants proved, by a preponderance of the evidence, that the adverse
15 action(s) was also motivated by a lawful reason?

16 Answer:

17 Confined Space Rescue YES _____ NO _____

18 Training Center YES _____ NO _____

19
20 If your answer to both parts of question 11 is "no," proceed to question 13. If the
21 answer to either part of question 11 is "yes," answer question 12.

22
23 12. Have Defendants proved by a preponderance of the evidence that Richter would
24 have taken the adverse action(s) against Plaintiff for a lawful reason, regardless of his
25 protected activity?

26 Answer:

27 Confined Space Rescue YES _____ NO _____

28 Training Center YES _____ NO _____

1 13. Did Plaintiff Walker prove, by a preponderance of the evidence, that he suffered
 2 actual damages or injury caused by the decision to issue him a written Letter of Reprimand in
 3 2005, and/or by the decision to hire others and not promote him to the position of Assistant
 4 Fire Chief in 2003, and/or by any other adverse actions you may have found above?

5 As to the Assistant Fire Chief promotion in 2003: YES _____ NO _____

6 As to the Letter of Reprimand: YES _____ NO _____

7 As to other adverse actions: YES _____ NO _____

8
 9 14. If so, what amount of damages, if any, do you award to Plaintiff Walker?

10
 11 a. Past economic loss: \$ _____

12
 13 b. Present value of future economic loss: \$ _____

14
 15 c. Non-economic damages: \$ _____

16
 17 Total (a+b+c): \$ _____

18
 19
 20 15. Has plaintiff proved that he is entitled to punitive damages from defendant Keith
 21 Richter or Richard Grace, or both of them?

22 Answer:

23 As to Keith Richter: YES _____ NO _____

24 As to Richard Grace: YES _____ NO _____

25 //

26 //

27 //

28

If you answered question 15 “yes,” as to either or both Defendants, please state the amount of punitive damages you award Plaintiff against the Defendant(s) as to whom you answered Question 15 “yes.”

Keith Richter: \$_____.

Richard Grace: \$_____.

DATED: _____ JURY FOREPERSON _____

United States District Court

For the Northern District of California